ATTORNEY DOCKET NO. W. DIEPSTRATEN 19-5-5   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilhelmus J. M. Diepstraten, *et al.*

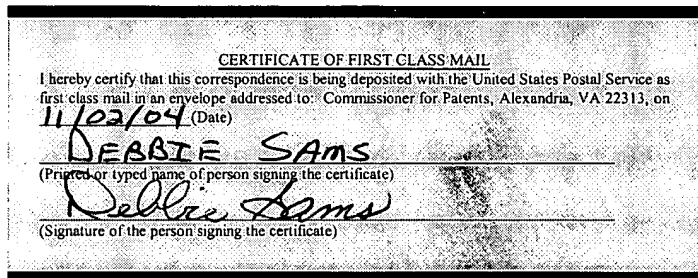Serial No.:   09/213,984

Filed: December 17, 1998

For: CONTEXT CONTROLLER HAVING CONTEXT-SPECIFIC EVENT SELECTION MECHANISM AND PROCESSOR EMPLOYING THE SAME

Group: 2154

Examiner: Larry D. Donaghue

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Appeal Brief-Patents

Sir:

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

In response to the Examiner's Answer mailed September 8, 2004, the Appellants submit this

Reply Brief as required by 37 C.F.R. §41.41.

I.   Reply to Examiner's Arguments

The Examiner argues that code of a currently-active context is a task since the specification is directed to a task controller which determines which task is to be active at a current time. (*See* Examiner's Answer, page 6, the first bold faced paragraph.) The Appellants respectfully disagree.

As stated in the specification and the Appellants' Brief, context is defined as all processor state information (or any subset thereof, and such as register values) that would be of use in restoring the processor to a given state. (*See* page 9, lines 12-15 of the specification and page 4, last full paragraph of the Appellants' Brief.) The specification also states that acknowledging events of a context is permitted by code executing in the same context. (*See* page 62, lines 12-15 of the specification and page 9 of the Appellants' Brief.) Accordingly, code of a currently-active context is not a task as asserted by the Examiner but represents processor state information that corresponds to a task.

Additionally, even though the specification discusses switching between tasks of a processor, the present invention is directed to a context controller having a mechanism for selecting a context-specific event and a processor employing the same. (*See* page 2, lines 11-14.) This is reflected in the title of the application and in the pending claims. Thus, instead of just addressing what task is active at a current time, the present invention is directed to selecting events that are specific to a currently-active context.

The Examiner also argues that "(a)cknowledging an event as set forth in the specification is to change the currently active task and it's state." (*See* Examiner's Answer, page 6, the first bold faced paragraph.) The Appellants respectfully disagree.

As stated in the specification and repeated in the Appellants' Brief, an event is defined as a stimulus capable of causing a context controller to respond by switching from one foreground task to another. (*See* page 9, lines 15-17 and page 4, last full paragraph of the Appellants' Brief.) Thus, acknowledging an event does not equate to changing a currently active task and its state as asserted by the Examiner. Instead, acknowledging an event refers to recognizing that a stimulus is related to a currently running context. (*See* page 62, lines 12-15 of the specification and page 9 of the Appellants' Brief.) The present application does teach, as also reflected in some of the dependent claims, that activation of contexts corresponding to tasks occurs in response to the events. (*See* for example, dependent Claims 4, 11 and 18.) Activation, however, is not acknowledging and, more specifically, activation of contexts is not acknowledging events as claimed in the present application.

The Examiner further asserts that the Appellants' arguments in the Appellants' Brief confirms the Examiner's position. (*See* pages 6-7 of Examiner's Reply.) The Appellants do not find where this is true. The Appellants recognize that Vaitzblit does not specifically address acknowledging events. The Appellants then argue that Vaitzblit's teachings regarding preempting of tasks teaches against the claimed invention. (*See* Appellants' Brief, pages 13-14.) This argument, however, does not equate code of a currently active context to a task or acknowledging events to changing a currently active task. On the contrary, Vaitzblit does not address acknowledging. Instead, the Appellants' argument demonstrates that Vaitzblit's preempting of tasks based on priority teaches away from the claimed invention. of acknowledging events based on code of a currently-active context.

In summary, the basis of the Examiner's argument is that "code of a currently-active context" is a task and that "acknowledging an event" is to change a currently active task and it's state. As

asserted above, this basis differ from the definitions of the claim language in the specification and in the Appellants' Brief. Accordingly, the Appellants request that the Examiner's Final Rejection be reversed.
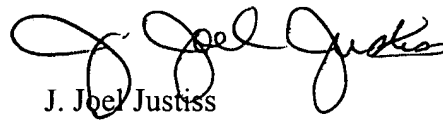
The Appellants also respectfully disagree with the Examiner's assertion that the Appellants only provided a general allegation that the pending claims define a patentable invention without specifically pointing out the distinguishing language. The Examiner asserted that Vaitzblit discloses the invention recited in Claims 1 and 8 since Vaitzblit teaches code indicating a period. As clearly stated in the Appellants Brief, Vaitzblit does not even address acknowledging events. Additionally, the Appellants did not find "code indicating a period" in the cited text of Vaitzblit. Furthermore, the Appellants demonstrated that what Vaitzblit does teach, does not disclose the claimed invention recited in independent Claims 1, 8 and also 15. (*See* Appellants' Brief, pages 13-15.) Thus, instead of simply making a general allegation, the Appellants specifically pointed out claim language that is patentably distinguished from the references.

II. Conclusion

For the reasons set forth above, the cited references do not anticipate or render obvious the

Claims on appeal. Accordingly, the Appellants respectfully request that the Board of Patent Appeals

and Interferences reverse the Examiner's Final Rejection of all of the Appellants' pending claims.

Respectfully submitted,

HITT GAINES, P.C.

J. Joel Justiss
Registration No. 48,981

Dated: __11/2/04__

Hitt Gaines, P.C.
P.O. Box 832570
Richardson, Texas 75083-2570
(972) 480-8800
(972) 480-8865